


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE MERRILL LYNCH & CO., INC. : Master File No.:  
SECURITIES, DERIVATIVE AND ERISA : 07-CV-9633 (LBS)(AJP)(DFE)  
LITIGATION :  
----- X **ECF CASE**  
This Document Relates to: :  
Securities Action, 07cv9633(LBS)(AJP)(DFE) : **Electronically Filed**  
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----- X **NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of The Motion of Defendant Jeffrey N. Edwards to Dismiss the Consolidated Amended Class Action Complaint and all prior papers and proceedings herein, Defendant Jeffrey N. Edwards will move this Court, before the Honorable Leonard B. Sand, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time designated by the Court, for an Order: (a) dismissing the Consolidated Amended Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(6), Fed. R. Civ. P. 9(b), and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(b); and (b) for such other and further relief as this Court may deem just and proper.

Dated: July 21, 2008  
New York, New York

  
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